

Appl. No.: 10/708,996  
Amdt. Dated: 8/4/2005  
Reply to Office action of: 05/18/2005

### REMARKS/ARGUMENTS

Claims 1 – 16 remain in this application. Claims 1, 5, 9, and 13 have been amended to prove a clearer claim preamble in each case. Support for these amendments can be found for example in paragraphs 17, 19, and 20. Claims 2 – 4, 6 – 8, 10 – 12, and 14 – 16 have been amended to remove language rejected by the Examiner and replace it in each case with proper claim language meeting the requirements of 35 U.S.C. 112. Support for these amendments may be found for example in the preamble of original claims 1, 5, 9, and 13.

A new Figure 4 has been added to illustrate a taught and claimed part of the invention which was not previously illustrated by a drawing.

No new matter has been added by these amendments.

Claims 2 – 4, 6 – 8, 10 – 12, and 14 – 16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states:

Claims 2 – 4, 6 – 8, 10 – 12, and 14 – 16 recite the limitation “the invention” in line 1. There is insufficient antecedent basis for this limitation in the claim.

With claims 4, 8, 12, and 16, there appears to be positive recitation between the combination of the seat assembly and the vehicle floor with these claims. However, the preamble in the independent claims indicates only the subcombination of the seat assembly. Please clarify.

Applicant respectfully traverses this rejection. By the amendments to claims 2 – 4, 6 – 8, 10 – 12, and 14 – 16 the basis for this rejection has been removed. Specifically, the term “the invention” has been replaced by the exact language from the preamble of the original independent claims, namely “split folding and reclining seat assembly”. In addition, the preamble of the original claims 1, 5, 9, and 13 have been amended to provide the necessary antecedent basis for the recitation of the “vehicle floor” in the dependent claims 4, 8, 12, and 16. Clearly, when viewed in this light, these rejections have now been successfully overcome and the removal of said rejections is respectfully solicited.

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**AMENDMENTSTOTHEDRAWINGS:**

The attached sheet(s) of drawings includes new Figure 4 required by the Examiner.

Attachment: New Sheet(s)

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Claims 1 – 16 were rejected under 35 U.S.C. 102(b) as being anticipated by Eschelbach et al. (6,234,553). Specifically, the Examiner states:

Eschelbach et al show a split folding seat assembly comprising a pair of seats (22) comprising a pair of seat cushion frames being movably mounted by their front edges to a pair of legs (42), the pair of seat cushion frames having rear edges movably mounted to a corresponding pair of seat back frames by a pair of seat folding links. A seat cushion lies on top of the seat cushion frame. Two pair of seat legs having one end of each of the two pair of seat legs are mounted to the front edge of each of the seat cushion frames and the other end of each of the two pair of seat legs are moveably mounted to a floor. Each of the seat back frames has a head restraint mounting member and a seat back cushion.

With claims 2, 6, 10, and 14, one of the seat back frames has an additional head restraint support member.

With claims 3, 7, 11, and 15, a storage compartment is provided.

With claims 4, 8, 12, and 16, the seat assembly is mounted on a vehicle floor.

Applicant respectfully traverses this rejection. The key to Applicants' invention is a folding split seat assembly which allows for the easy rising and lowering of one or both of the split seats where the seat folds downward and forward so that the folding front legs and the seat cushion and seat back may be lowered into the foot well of a vehicles floor pan thus eliminating the need for special floor pan wells to receive same. Additionally, Applicant's claimed invention provides for an additional head restraint support allowing the mounting of more than one head restraint on a single seat back, and an assembly configuration with provision for under seat storage compartments. Particularly not required are a floor well specifically for receiving the folding legs and vehicle sidewall track assemblies for guiding the movement of the seat backs.

A fair reading of Eschelbach et al. discloses a folding seat that comprises a seat cushion and a seat back with associated frame members (see for example Col. 1, lines 52 – 63) where the seat cushion is mounted on hinged legs (see for example Col. 2, lines 50 – 58) and the seat back is mounted to the seat cushion (see for example, Col. 2, lines 40 – 49) and at least one vehicle sidewall by means of a track assembly to direct the travel of the seat back during opening and closing operations (see for example, Col. 2, line 66

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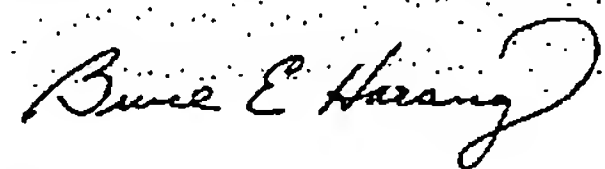
through Col. 3, line 24). The folding seat folds backward and downward and requires a dedicated well in the vehicle floor to receive the hinged legs when the seat is in a completely folded (closed or cargo carrying) position (see for example, Col. 3, lines 29 – 36). There is no track assembly mounted on the vehicle floor to allow the seat to move forward and downward (see for example Figures 1 – 5). The reference does not disclose, teach, or suggest an additional head restraint support allowing for more than one head restraint mounted on a single seat back, nor provide the ability to mount storage compartments under the seat cushion. Applicant's claimed invention does not require at least one sidewall mounted track assembly for each seat nor does it require a special well for receiving the folding legs. Thus, Applicant's invention eliminates at least two critical elements of the Eschelbach et al. reference. Further, Applicant's claimed invention provides for embodiments regarding additional head restraints and storage compartments the reference does not disclose, teach, nor suggest.

Clearly, when viewed in this light the Eschelbach et al. reference does not disclose, teach, or suggest the rear fold down cargo seat with tilt down cushion of Applicants' present invention.

Applicants acknowledge the prior art made of record as pertinent, but not relied upon as a basis of rejection by the Examiner. Applicants make no further comment regarding this prior art.

In view of the remarks herein, and the amendments hereto, it is submitted that this application is in condition for allowance, and such action and issuance of a timely Notice of Allowance is respectfully solicited.

Respectfully submitted,



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Attachments